

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 6-7, 2007

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla G. Rhinehart
Chief
Division of Right of Way and
Land Surveys

Subject: **RESOLUTIONS OF NECESSITY**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-19652 through C-19660 and C-19662, summarized on the following pages.

ISSUE:

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a resolution of necessity stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure.

Moreover, for each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned and located in a manner that will be most compatible with the greatest public good with the least private injury.
3. This property is necessary for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

BACKGROUND:

Discussions have taken place with the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-19652 - Saunders Bros., et al.

03-Sut-99-PM 19.7 - Parcel 34275-1, 2 - EA 1A4619.

Right of Way Certification (RWC) Date: 11/12/07; Ready to List (RTL) Date: 11/12/07.

Expressway - construct four-lane expressway. Authorizes condemnation of land in fee for a State highway and land in fee which is a remnant and would have little market value. Located in Yuba City near Garden Highway. APN 25-090-030.

C-19653- Andreas Bechtolsheim

04-SM-1-PM 38.2 - Parcel 59264-1 - EA 1123C9.

RWC Date: 03/11/04. Conventional highway - tunnel construction. Authorizes condemnation of land in fee for a State highway. Located near the city of Pacifica at Montara State Park (Gray Whale Cove Beach). APN 036-380-070.

C-19654- Andreas Bechtolsheim

04-SM-1-PM 38.4 - Parcel 59265-1 - EA 1123C9.

RWC Date: 03/11/04. Conventional highway - tunnel construction. Authorizes condemnation of land in fee for a State highway. Located near the city of Pacifica at Montara State Park (Gray Whale Cove Beach). APN 036-380-080.

C-19655 - Edward St. George, Trustee

05-SB-101-PM 12.6 - Parcel 8567-1, 2, 3 - EA 447809.

RWC Date: 07/02/07; RTL Date: 07/16/07. Freeway - reconstruct two interchanges, add lanes and ramp. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction and demolition, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Santa Barbara at 130 South Alisos Street. APN 017-212-014.

C-19656 - 927 Indio Muerto, a General Partnership

05-SB-101-PM 12.6 - Parcel 8568-1, 2 - EA 447809.

RWC Date: 07/02/07; RTL Date: 07/16/07. Freeway - reconstruct two interchanges, add lanes and ramp. Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements, and a permanent easement for soundwall. Located in the city of Santa Barbara at 927 Indio Muerto. APN 017-251-004.

C-19657 - Brian C. Crane, Trustee, etc., et al.

08-SBd-215-PM 5.87/ 5.89 - Parcels 18946-1; 18947-1 - EA 007179.

RWC Date: 12/14/06; RTL Date: 12/29/06. Freeway - widen and redesign Interstate 215.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of San Bernardino at 613 and 633 South "I" Street. APNs 0141-063-27, -28.

C-19658 - Los Angeles Department of Water & Power

09-Iny-395-PM 71.31/75.89 - Parcel 3762-1; 3763-1; 3764-1, 2; 3765-1; 3766-1; 3767-1; 3768-1; 3770-1; 3771-1; 3774-1; 3776-1; 3777-1; 3778-1; 3783-1; 3784-1; 3786-1; 3788-1; 3789-1; 3803-1; 3899-1, 2; 3920-1 - EA 214819. RWC Date: 11/01/07; RTL Date: 11/01/07. Expressway - widen to four-lane expressway. Amends Resolution No. C-19634, adopted April 26, 2007, which authorized condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, temporary easements for highway construction, a permanent easement for county road, easements for drainage, and an easement for utility purposes to be conveyed to Verizon. This Amendment will change fee acquisition to highway easement. Located near the town of Independence between 2.67 miles south of Mazourka Canyon Road to 0.62 mile north of Shabbell Lane.

APNs 002-011-04, -07; 002-025-10; 002-122-03; 022-170-10; 022-140-12, -13, -18; 022-130-09, -20, -21; and 022-070-13.

C-19659 - Mark J. Kellogg, Jr.

10-Mer-140-PM 37.03 - Parcel 15253-1 - EA 3A6609.

RWC Date: 03/01/08; RTL Date: 03/01/08. Conventional highway - bridge replacement. Authorizes condemnation of land in fee for a State highway. Located in the city of Merced at 2255 Baker Drive, bridge number 39-0044. APN 034-250-002.

C-19660 - Gaylord Manufacturing Company, a California corporation

10-Sta-99-PM 12.1 - Parcel 14746-1 - EA 2A7709.

RWC Date: 05/01/07; RTL Date: 05/01/07. Conventional highway - reconstruct interchange. Authorizes condemnation of land in fee for a State highway and underlying fee. Located in the city of Ceres at 1730 E. Whitmore Avenue. APN 053-018-003.

C-19662 - Gerald C. Sedoo, et ux.

09-Iny-395-PM 73.73 - Parcel 3797-1 - EA 214819.

RWC Date: 11/01/07; RTL Date: 11/01/07. Expressway - widen to four-lane expressway. Authorizes condemnation of land in fee for a State highway. Located in the town of Independence at 537 North Edwards Street. APN 02-011-03.